

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT S. HILLARD,

)

8:09CV120

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Petitioner,

)

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v.

)

**MEMORANDUM
AND ORDER**

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STATE OF NEBRASKA,

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)

Respondent.

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This matter is before the court on Petitioner's Motion to Withdraw Document, which the court liberally construes as a motion to voluntarily dismiss. (Filing No. [26](#).) In his Motion, Petitioner requests that the court dismiss his Petition for Writ of Habeas Corpus without prejudice because he "believes his habeas claim [sic] are premature," or unexhausted. (*Id.* at CM/ECF p. 1.) Respondent has not objected to dismissal. For good cause shown, the Motion is granted.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion to Withdraw Document (filing no. [26](#)), construed as a motion to voluntarily dismiss, is granted.
2. This matter is dismissed without prejudice. A separate judgment will be entered in accordance with this Memorandum and Order.
3. All other pending motions are denied as moot.

November 17, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge